



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,331	04/04/2001	Jukka Suonvieri	4925-104PUS	8413
7590 01/30/2004			EXAMINER	
Michael C Stuart Cohen Pontani Lieberman & Pavane Suite 1210 551 Fifth Avenue New York, NY 10176			CHO. UN C	
			ART UNIT	PAPER NUMBER
			2682	
			DATE MAILED: 01/30/2004 7	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,331

Applicant(s)

SUONVIERI, JUKKA

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-31 and 33-40 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Information Disclosure Statement

2. The IDS filed 4/4/01 has been considered and recorded in file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 21, 22, 31, 33, 34 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Wickman (WO 96/07250).

Regarding claim 21, Wickman teaches monitoring time delays between RFP (Radio Fixed Part) and PP (Portable Part); and adding the message relayed via REP (Repeater) regarding the present delay compared to the delay of PP communicating directly with the RFP (Wickman, Page 5, lines 19 – 24).

Regarding claim 22, Wickman teaches identifying the REP on the ground of communication time delays (Wickman, Page 6, lines 22 – 24).

Regarding claim 31, Wickman teaches that said element is a radio repeater (Wickman, Page 5, lines 19 – 24).

Regarding claim 33, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Regarding claim 34, the claim is interpreted and rejected for the same reason as set forth in claim 22.

Regarding claim 38, the claim is interpreted and rejected for the same reason as set forth in claim 22.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 23, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wickman in view of Katz (US 6,643,526).

Regarding claim 23, Wickman fails to teach that the timing advance value corresponding to the said time delay is calculated. However, Katz teaches that the time advance information can be determined based on the delay (Katz, Col. 13, lines 63 – 35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Katz to Wickman in order to provide the same frequency to be used simultaneously to

transmit to two or even more different mobile stations which are arranged at different locations within the same cell.

Regarding claim 26, Katz teaches that the mobile communication network is a GSM network (Col. 6, lines 58 – 60).

Regarding claim 35, the claim is interpreted and rejected for the same reason as set forth in claim 26.

7. Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Wickman in view of Suonvieri (US 6,047,181).

Regarding claim 24, Wickman fails to teach the communications with timing advance values greater than some predetermined value. However, Wickman teaches determining the communications being relayed through by adding a message to control field regarding delay when the communication is performed through a REP (Wickman, Page 5, lines 19 – 20). Moreover, Suonvieri teaches comparing the timing advance value to a predetermined value (Suonvieri, Col. 6, lines 5 – 14). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Suonvieri to Wickman to allow the radio capacity of a cell to be efficiently, flexibly and accurately allocated to a desired area within the cell.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wickman in view of Heyl et al (US 5,613,010).

Regarding claim 25, Wickman fails to teach that predetermined value is zero. However, Heyl teaches that the predetermined value is zero (Heyl, Col. 7, lines 3 – 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Heyl to Wickman to compare the signal to a reference signal.

9. Claim 27, 30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wickman in view of Prithviraj et al. (US 5,987,513).

Regarding claim 27, Wickman fails to teach sending an event notice to a network management system, when a presence of at least one of said elements is detected for the first time. However, Prithviraj teaches sending an event trap to NMS (Network Management Stations), when a malfunction of one of said network element (Fig. 3, 360) is detected (Prithviraj, Col. 10, lines 3 – 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Prithviraj to Wickman to know significant events, which may have occurred around the time a problem has precipitated in the network.

Regarding claim 30, Wickman teaches monitoring the communication relayed via at least one of the repeaters (Wickman, Page 5, lines 19 – 24). However, Wickman fails to teach determining various parameters giving information about the functioning of the network and said elements. In contrast, Prithviraj teaches determining status information about the functioning of the

network elements (Prithviraj, Col. 10 – lines 3 – 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Prithviraj to Wickman to know significant events, which may have occurred around the time a problem has precipitated in the network.

Regarding claim 36, the claim is interpreted and rejected for the same reason as set forth in claim 27.

10. Claim 28, 29, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wickman in view of Gordon et al. (US 5,987,316).

Regarding claim 28, Wickman fails to teach that time delay is monitored by a base transceiver station. However, Gordon teaches that time delay is monitored by the base station (Gordon, Col. 3, lines 13 – 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gordon to Wickman to provide measurement of propagation delay between a fixed subscriber and its serving base station providing a method of approximate position fixing of a subscriber and detection any apparent subscriber movement, anomalies in either would highlight a potential unauthorized subscriber.

Regarding claim 29, Wickman fails to teach that time delay is monitored by a base station controller. However, Gordon teaches that the controller (Fig. 1, 11) retrieves the stored delay information and compares with the current value. Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to provide the teaching of Gordon to Wickman to provide measurement of propagation delay between a fixed subscriber and its serving base station providing a method of approximate position fixing of a subscriber and detection any apparent subscriber movement, anomalies in either would highlight a potential unauthorized subscriber.

Regarding claim 39, the claim is interpreted and rejected for the same reason as set forth in claim 28.

Regarding claim 40, the claim is interpreted and rejected for the same reason as set forth in claim 29.

Allowable Subject Matter

11. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/786,331
Art Unit: 2682

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Un C Cho
Examiner
Art Unit 2682


LEE NGUYEN
PRIMARY EXAMINER